

NOTICE ABOUT DECISION – STATEMENT OF REASONS

This Notice is prepared in accordance with s63(5) and s83(9) of the Planning Act 2016 to provide information about a decision that has been made in relation to a development application. The purpose of the Notice is to enable a public understanding of the reasons for the planning decision, specifically having regard to:

- *the relevant parts of the Planning Scheme and Assessment Benchmarks against which the application was assessed; and*
- *any other information, documents or other material Council was either required to, or able to, consider in its assessment.*

All terms used in this Notice have the meanings given them in the Planning Act 2016 or otherwise their ordinary meaning.

APPLICATION DETAILS

Application No:	DA/4423
Applicant:	Bowyer Archer River Quarries Pty Ltd C/- Groundwork Plus
Proposal:	Development Permit for a Material Change of Use
Description of the Development:	Extractive Industry and Environmentally Relevant Activities (ERAs) 16(2)(b) and 16(3)(b)
Street Address:	Orchid Creek Road, Archer River
Real Property Description:	Lot 5 on SP187433
Planning Scheme:	Cook Shire Council Planning Scheme 2017
Land Zoning:	Rural
Assessment Type:	Impact

DECISION DETAILS

Type of Decision:	Approval with Conditions
Type of Approval:	Development Permit for a Material Change of Use for Extractive Industry and Environmentally Relevant Activities (ERAs) 16(2)(b) and 16(3)(b)
Date of Decision:	26 April 2022

ASSESSMENT BENCHMARKS

The following Assessment Benchmarks applied to the development from the following Categorising Instruments:

Assessment Benchmarks	Comment
Planning Regulation 2017 (Schedule 9)	Schedule 9 is not applicable as the application is not for building work under the Building Act
Planning Regulation 2017 (Schedule 10)	<p>The application triggered a referral to SARA under:</p> <ul style="list-style-type: none"> - Schedule 10, Part 5, Division 4, Table 2, –Environmentally Relevant Activities. - Schedule 10, Part 9, Division 4, Subdivision 1, Table 1 –State Transport Infrastructure
Regional Plan	Section 2.2 of the Planning Scheme identifies that the Cape York Regional Plan has been adequately reflected in the Planning Scheme. A separate assessment against the Regional Plan is not required.
State Planning Policy, part E	<p>Section 2.1 of the Planning Scheme identifies that the superseded version of the State Planning Policy is integrated in the Planning Scheme.</p> <p>A review of the current version of the SPP (July 2017) and assessment benchmark mapping applicable to Part E has determined that the state interests (Mining and Extractive Resources and Natural Hazards, Risk and Resilience - Bushfire) are reflected in the Planning Scheme and no additional assessment provisions in the current SPP (part E) or updated mapping are applicable.</p> <p>Of particular relevance to this application is the designation of the site as a key resource area.</p> <p>Mining and Extractive Resources</p> <p>Key resources areas (KRA's) are areas identified as containing extractive resources of state or regional significance. Identification of a KRA does not authorise the extraction of a resource, rather the designation indicates the importance of protecting the deposit for the future and from incompatible land uses.</p> <p>A review of the current version of the SPP mapping has determined that the extent of the KRA designation (KRA 112 (Archer River) (resource/processing area and separation area), transport route and transport route separation area) is consistent with the mapping in the Extractive Resource Overlay map in the Cook Shire Council Planning Scheme.</p>

Assessment Benchmarks	Comment
	<p>The proposal achieves compliance with the relevant assessment benchmarks in Part E of the SPP in that the proposed use for the extraction of materials is consistent with the KRA designation. The extraction of material from the Sand Pit will not impede the extraction of material in the KRA. The proposal does not introduce any incompatible land uses.</p> <p>The proposal will utilise the existing designated transport route with a realignment in a section near Area 2 to ensure the road is wholly contained within the boundary of Lot 5.</p>
Temporary State Planning Policy	There are no Temporary State Planning Policy

Local Categorising Instrument (Cook Shire Council Planning Scheme 2017):

- Strategic Framework;
- Rural Zone Code;
- Extractive Industry Use Code;
- Parking and Access Code;
- Works, Services, and Infrastructure Code;
- Biodiversity Overlay;
- Bushfire Hazard Overlay; and
- Extractive Resources Overlay;

Local Categorising Instrument (Variation Approval)

Not Applicable

Local Categorising Instrument (Temporary Local Planning Instrument)

Not Applicable

PUBLIC NOTIFICATION

A review of Council's records has determined zero (0) submissions were received.

REASONS FOR THE DECISION

The application is **approved** on the following grounds:

- An assessment was made against the applicable assessment benchmarks and the proposed development demonstrated compliance.
- The proposed development to increase the annual output of the Extractive Industry to 300,000 tonnes per annum across three (3) operational areas will not

have an unacceptable adverse impact on the environment and is appropriate for the site.

REASONS FOR APPROVAL DESPITE NON-COMPLIANCE WITH ASSESSMENT BENCHMARKS

Not Applicable

ADDITIONAL RELEVANT MATTERS FOR IMPACT ASSESSMENT

Not Applicable

OTHER MATTERS PRESCRIBED BY THE PLANNING REGULATION 2017

Not Applicable

OTHER DETAILS

If you wish to obtain more information about Council's decision, including a copy of Council's Decision Notice and any conditions or plans relating to the development, please refer to Council's webpage.